



STAFF REPORT

AGENDA ITEM: 3

CASE NUMBER: P.D. 18-42 L.U.C.B. MEETING: March 14, 2019

Formerly P.D. 05-314

Held from December 13, 2018, Held from February 14, 2018

CASE NAME: Jackson/I-240 Planned Development

LOCATION: Northwest corner of L&N Railroad and I-240 north and abutting Berkshire Dr. on the south, and Davis Circle/Wales Ave. on the south and west and Tant Road on the west

COUNCIL DISTRICT(S): District -1Super District -9; Positions 1, 2 & 3

OWNER/APPLICANT: TI Properties LLC (William Thomas)/Blaylock & Brown Construction (Norman Brown)

REPRESENTATIVE: Richard Bennett (Farris Bobango and Branan)

REQUEST: Amend the Planned Development to allow the following additional uses:
.
Area A: 1. Greenhouse or nursery, commercial, 2. Lawn tree or garden service.

Areas A & B: 1. Class III Construction/Demolition Landfill, 2. Recycling and recovery materials, 3. Solar farm, wind farm, 4. Mini storage, Warehouse, Sports/recreational facilities.

CONCLUSIONS

1. In addition to the request of the landfill operation of this site, this P.D. includes additional industrial uses many of which use large trucks or machinery.
2. This amendment includes a number of edits to the existing conditions that were considered safeguards to the permitted uses.
3. Staff is on record of recommending in favor of Construction/Demolition landfills when located at significant distances from residential uses; located along streets that accommodate commercial and industrial traffic, and where the impact on floodplains and natural areas are not as significant as in this case.

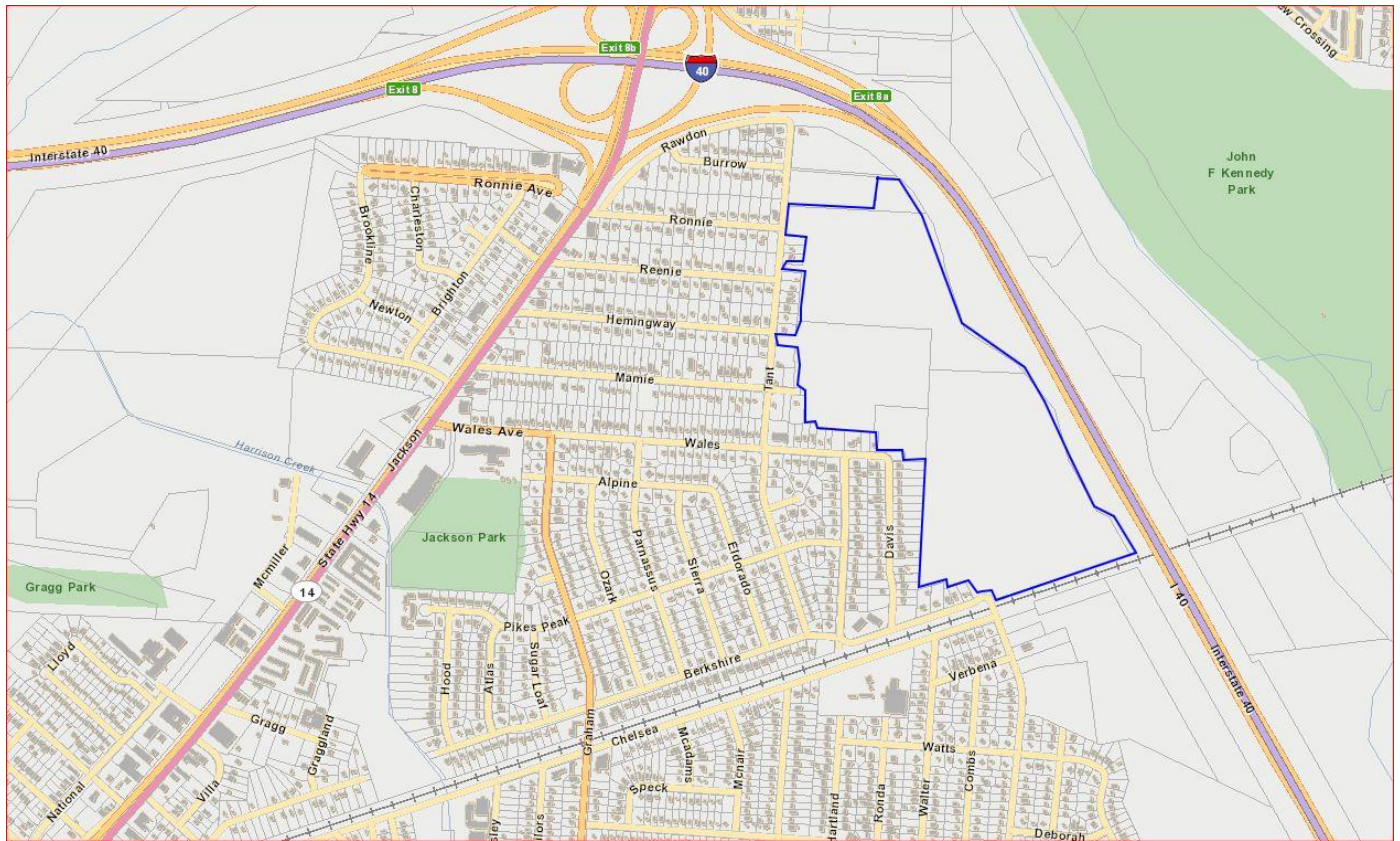
RECOMMENDATION *REJECTION*

Staff Writer: John D. (Don) Jones

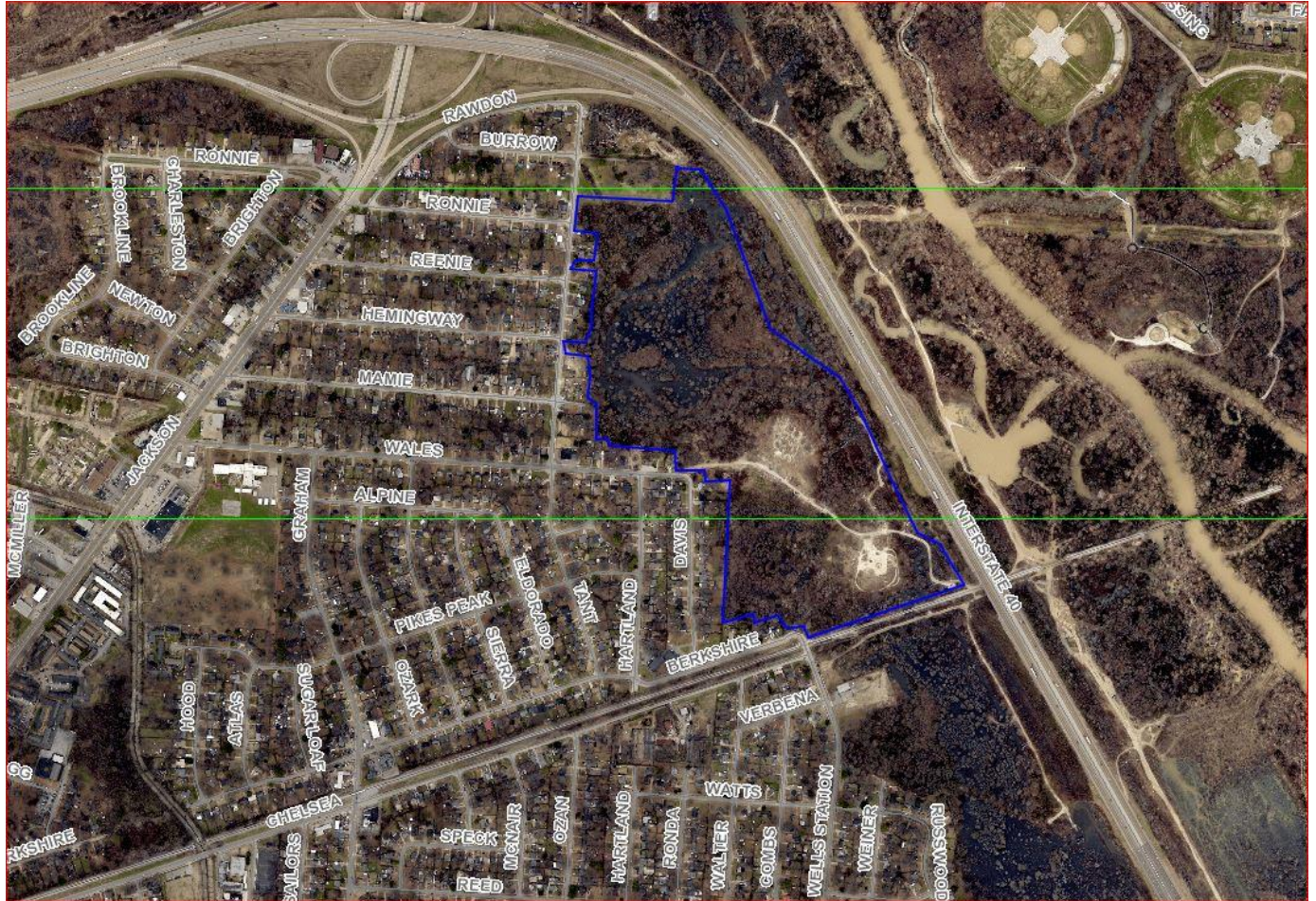
E-mail:

john.jones@memphistn.gov

Location Map



Zoom In – Existing Conditions



See following aerials depicting existing conditions

Site is vacant - aerials indicate some trails, existing billboards and a TVA Electrical; Transmission tower.

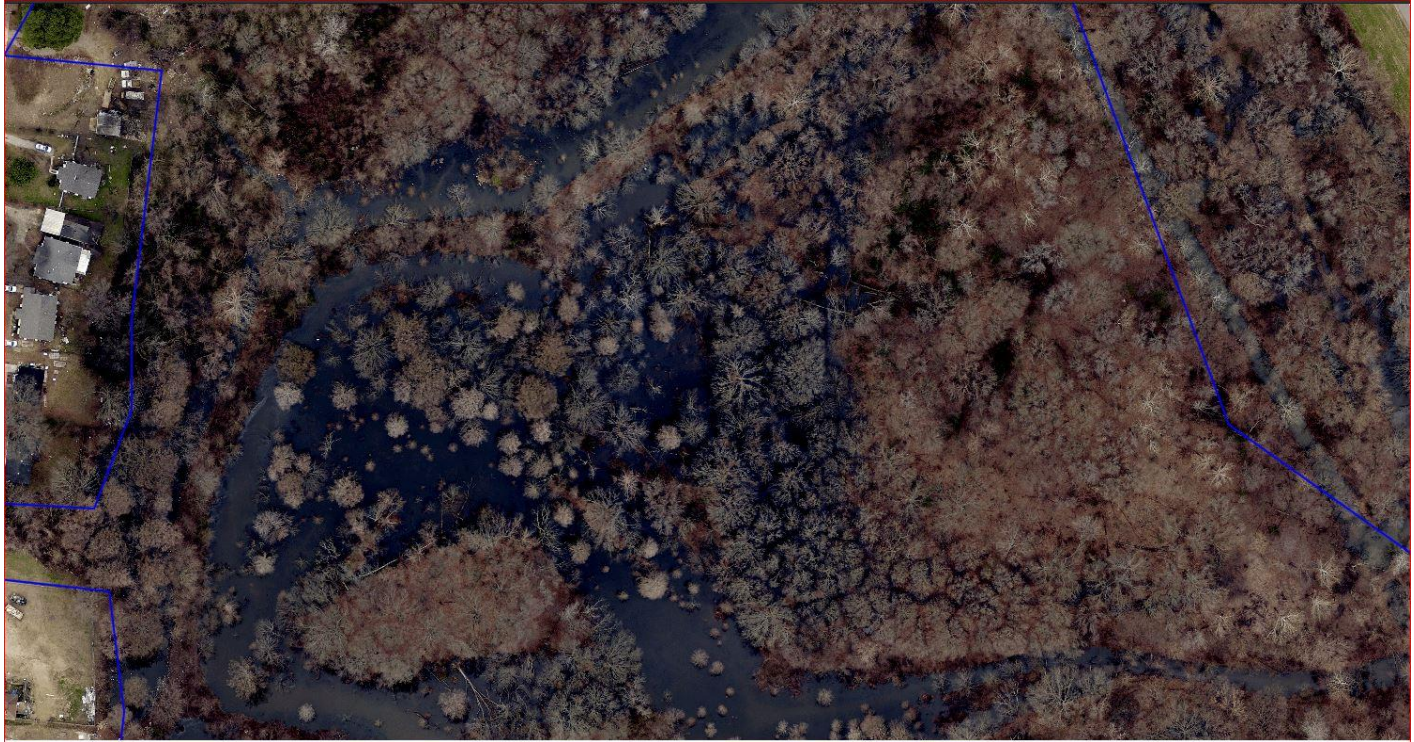
Subject property contains large stands of mature trees, streams and pockets of standing water.

1 of 4 aerals

South and east portion of site near Berkshire Drive and L& N RR



North and to the west of the above picture



Streams and standing water

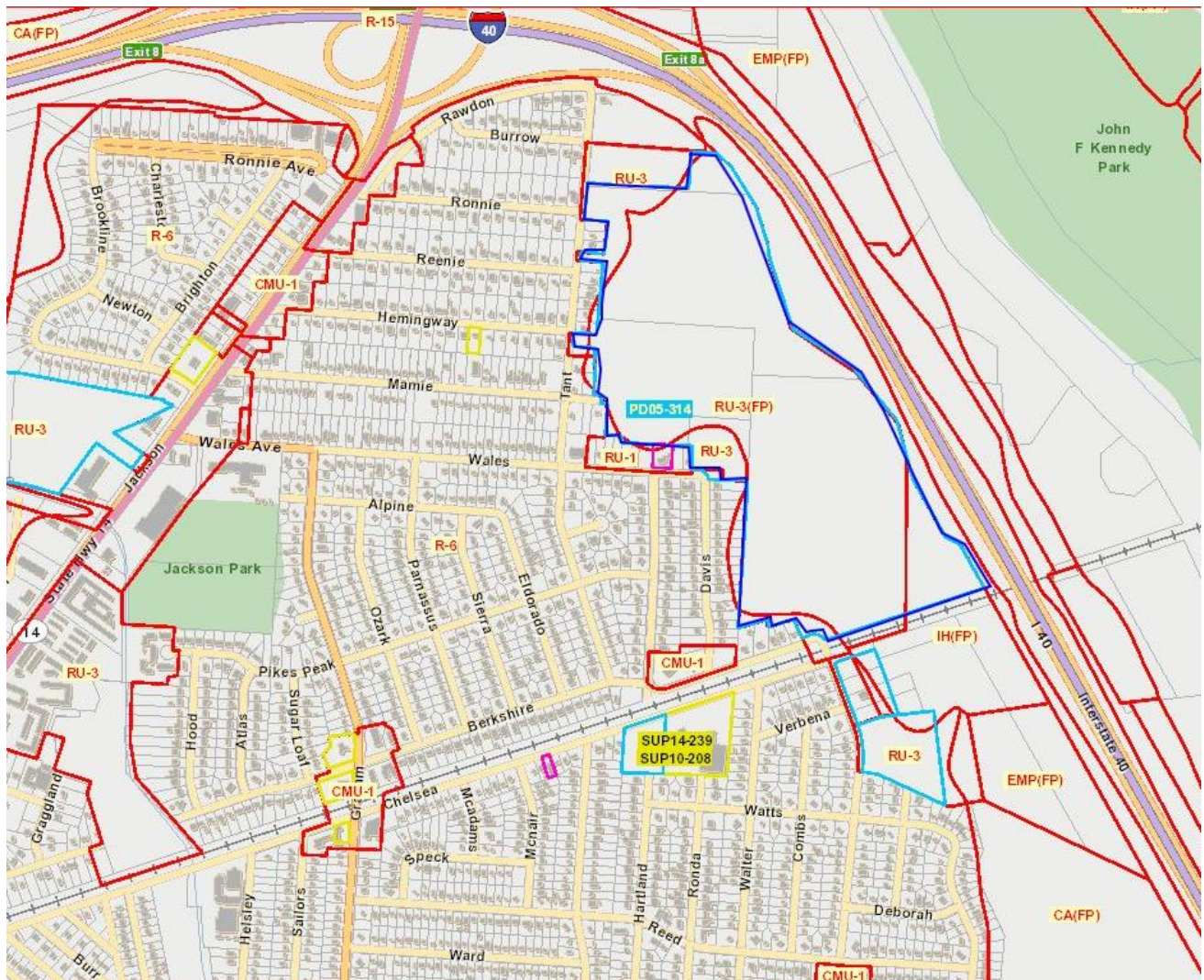
North of picture above, northmost section of the P.D.



Streams, standing water and TVA transmission tower

7

ZONING MAP



The subject property is regulated by the approved conditions of the Jackson/I-240 Planned Development, OPD Case Number P.D. 05-314.

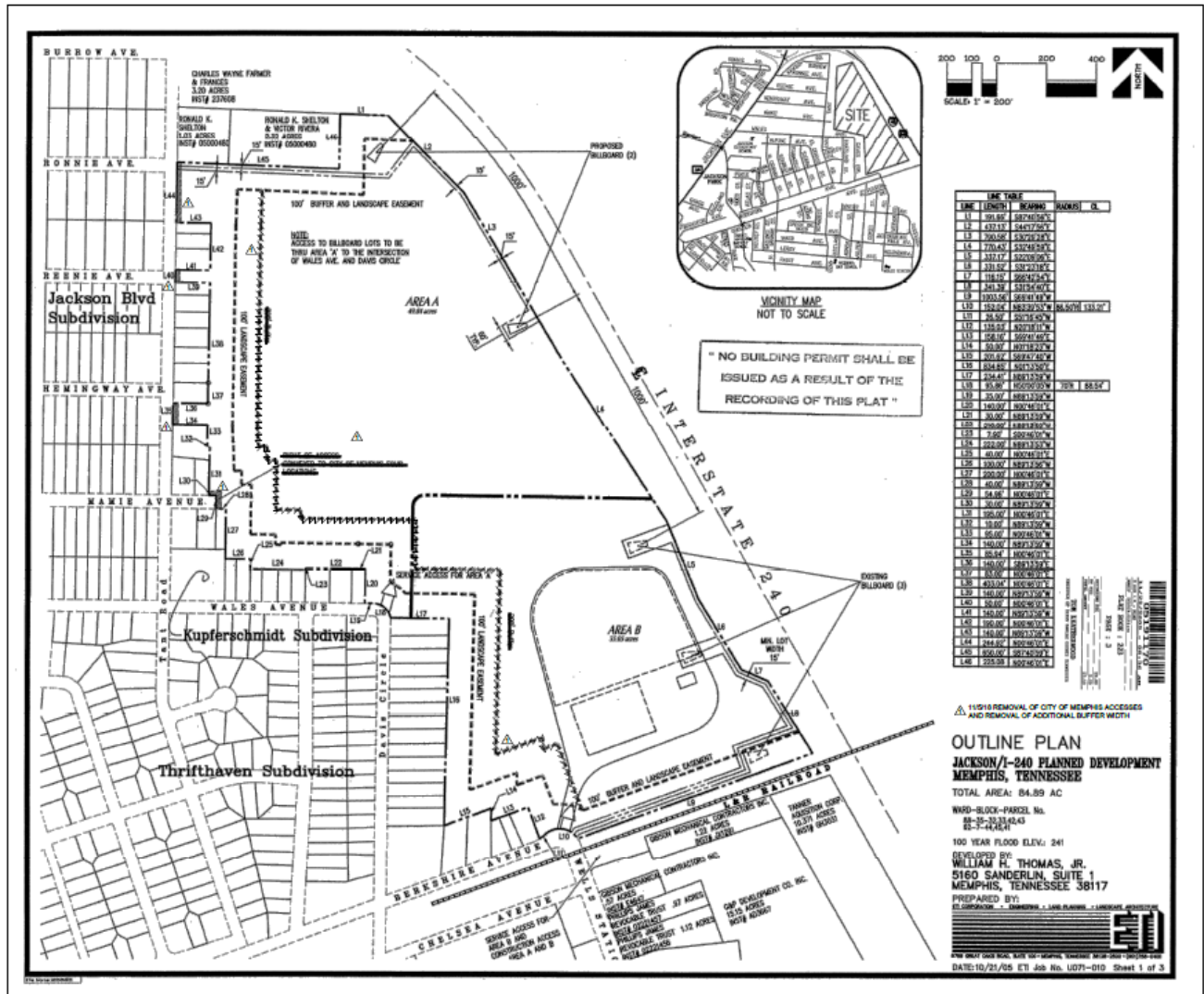
Surrounding uses of land and zoning

North and West: Predominately residential uses in the Residential Urban -3 (RU-3) and Residential Single Family-6 (R-6)

East: Undeveloped land in the I-40 right of way

South: Predominately residential uses in the Residential Single Family-6 (R-6) and some commercial uses in the Commercial Mixed Use-1 (CMU-1) Districts

Approved (Recorded) Outline Plan

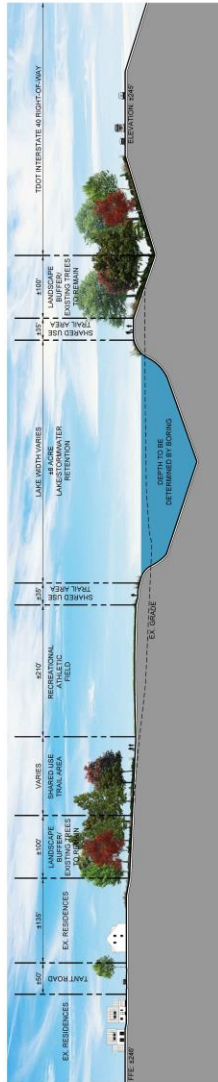


Concept Plan



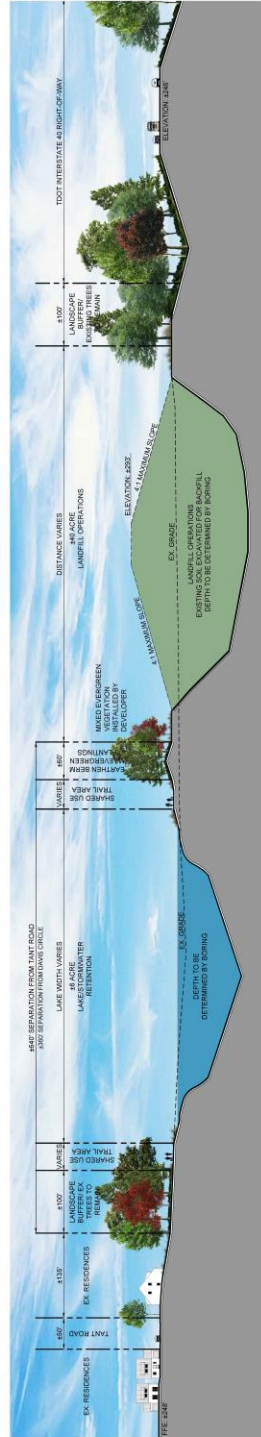
Cross Sections

WELLS COMMUNITY PARK Schematic Cross Sections Prepared February 2019



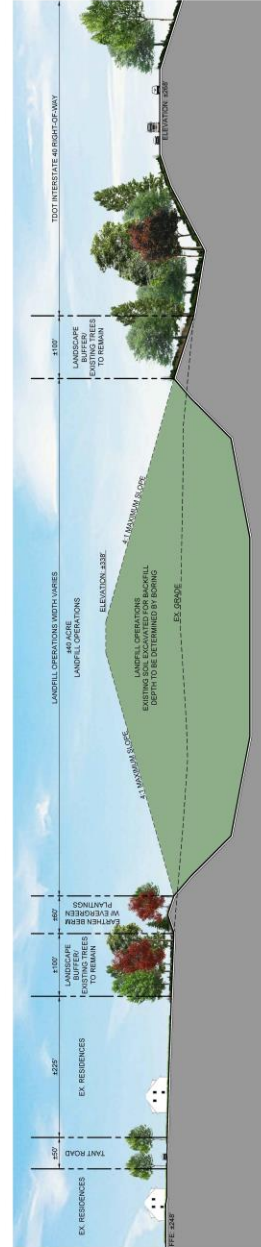
Schematic Section A

Scale: 1" = 60'-0"



Schematic Section B

Scale: 1" = 60'-0"



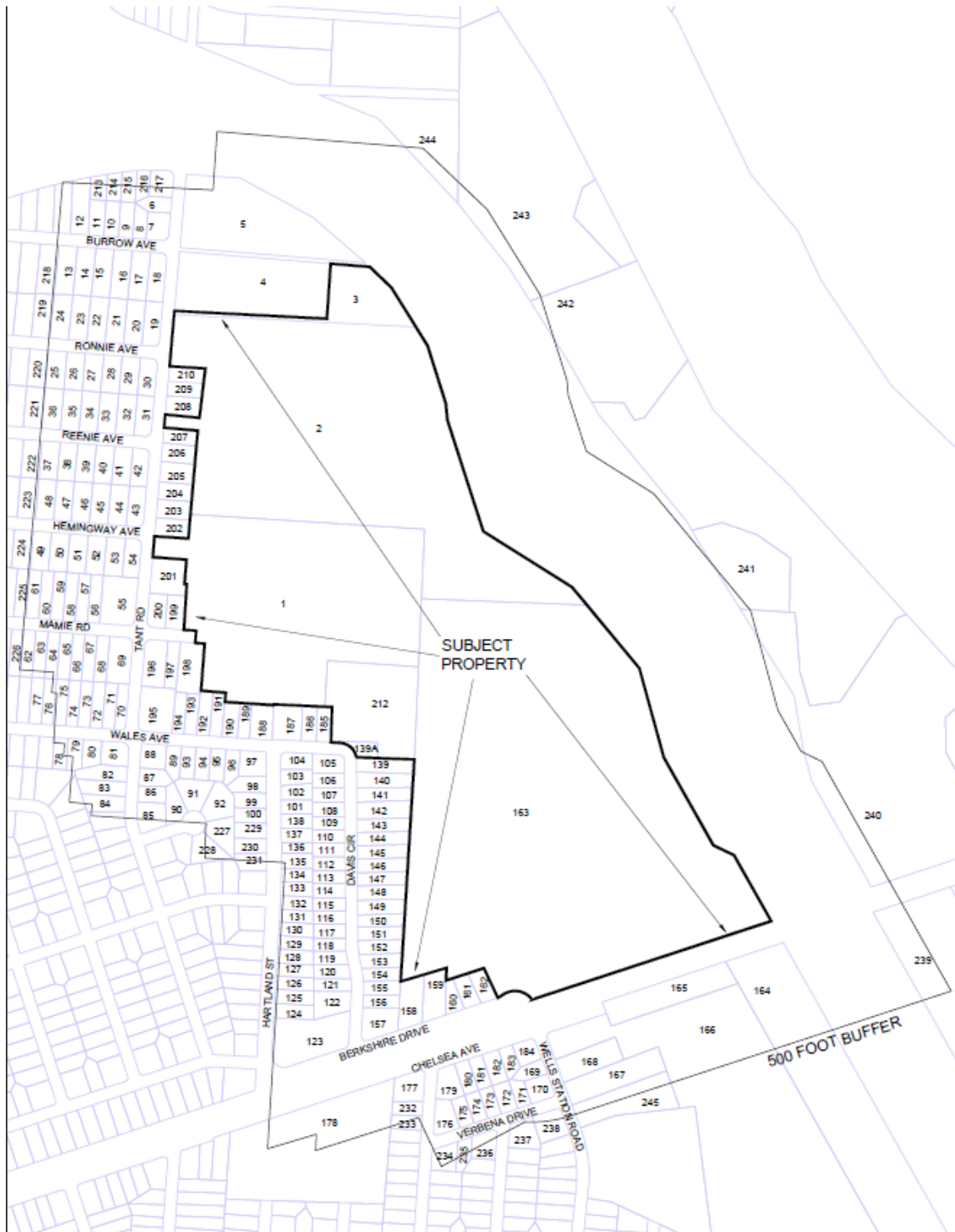
Schematic Section C

Scale: 1" = 60'-0"



ils
INTEGRATED LANDSCAPE SOLUTIONS
10000 W. 10TH AVE. SUITE 100
DENVER, CO 80202
303.733.1111
WWW.ILSOLUTIONS.COM

Vicinity Map



Public Notice:

A Neighborhood Meeting was held on December 2, 2018 at Hartland Baptist Church, 1820 Hartland
A total of 284 Notices were mailed on March 1, 2019.

The required Public Notice Signs were not posted as required by Sub-Section 9.3.4C of the UDC.

STAFF ANALYSIS

Request and Justification

This is a request to amend and existing Planned Development, P.D. 05-314, to add additional uses, add some additional conditions and modify a number of other conditions that were approved under the 2005 application.

The Planned Development was created to development areas A and B with a relatively short list of uses that are permitted under the Light Industrial (today Employment) zoning district. This request adds the following requested uses:

Area A: Greenhouse or nursery or garden service, Class III Construction/Demolition landfill, Recycling and recovery of materials, Solar farm and/or wind farm, Mini-storage warehouse, Warehouse, and Sports/recreational fields.

Area B: Class III Construction/Demolition Landfill, Recycling and recovery of materials, Solar farm, wind farm, Mini-storage, Warehouse, and Sports/recreational activities.

Although the proposed conditions add the additional uses listed above and at different places in the conditions propose change to the prior approval, the focus of this application is the Construction Demolition landfill. The applicant Blaylock Brown is in the construction and demolition landfill business, and the supplementary materials submitted with this application including the Letter of Intent, the Description of the Project and the Concept Plan all discuss the landfill.

Justification

The applicant's letter of intent states that the proposal is to enhance the development opportunities of the site. The property may be raised using construction/demolition material so that the property may be marketed for commercial investment.

The project description states that this is a unique approach to implementing the P.D. Rather than prepare the site for "pad-ready" sites, the applicant is proposing to open a construction/demolition landfill as the economic engine to begin development of the site and to provide funding for construction of other amenities within the site.

Concept Plan

The Concept Plan (see page 10) illustrates a re-use for the foreseeable future of the site. Some 34 of the total 84 acres of the site will be devoted to the landfill operation. Along the outside edge of the landfill is a 100-foot-wide buffer area that will include existing vegetating. A berm will be added along the west side of the landfill operation where this site abuts existing residential uses. West of the berm is a proposed park to be owned and maintained by the applicant. Vehicular access to the landfill is to be gained from the point where Berkshire Avenue meets Wells Station.

The proposed park includes an 11.5-acre lake, the dirt from the creation of the lake will be used to create the berm, a parking lot with parking and walking trails. Vehicular Access to the park will be from Ronnie Avenue. Some vehicular parking is proposed at the end of the stub of Mamie Road. The other points of entry are proposed for pedestrians.

Cross Sections

The cross sections are focused along the section between Tant Road and the Interstate. They reflect the depth of the residential lots, the landscape buffer, the recreation area to the north, the lake, and the landfill area.

The cross section illustrates that the proposed finished slope of the landfill is 4:1 and that the finished elevation of the landfill ranges from 293 feet to 338 feet, or a range of 47 feet to 90 feet above the finished elevation of 246' residential properties along Tant Road.

Review of Request:

Zoning

The current zoning entitlement on this property was established on September 6, 2005 when the Memphis City Council approved the Planned Development application for the Jackson/I-240 Planned Development.

The uses permitted by the Council: these are reflected in the Conditions section of this report on Page 18. The permitted uses include extractive uses, off-premise signs in both areas of the P.D. and a tree service and a greenhouse in Area B.

The OPD staff recommendation was rejection. The staff expressed concern that so many of the requested uses will include large vehicles that will access the site through residential streets. These vehicles are not compatible with the passenger vehicles of the nearby residents and not compatible with the relatively narrow residential streets. The Staff Report concludes that the transition in uses from residential to industrial is unacceptable because uses of this nature should have direct access to an arterial or an industrial collector street.

To date, only one Final Plat has been filed to implement the planned development. This Final Plat

created a lot of record and access for off-premise signs.

Floodplain

The exhibit on page 7 of this report indicates that nearly the entire site is located within the 100-year regulatory floodplain.

Within the Division of Planning and Development, the Office of Sustainability and the Office of Resilience have been established.

The Office of Sustainability created the Mid-South Regional Greenprint Plan. From that plan which linked parks and open space via a trail network connecting West Tennessee, North Mississippi and East Arkansas, the Division applied for and was awarded a \$60 million-dollar grant from the Community Development National Disaster Resilience Competition. This grant which created the Office of Resilience includes a Master Plan to promote sustainable practices and sound floodplain management in this region. In brief, prioritizing sensitive areas pertaining to surface and groundwater resources as well as protecting and restoring natural wetlands are key components of the Mid-South Regional Greenprint strategic directions. i

The complete comments from the office are found in the Departmental Comments Section of this report. The first paragraph sums up their concerns: It is our recommendation that the proposed land uses for Case P.D. 18-42 are inconsistent with the resiliency and sustainability goals of the region, and create unacceptable risk of continuation and further degradation of nearby waterways.

The Unified Development Code

Planned Developments are regulated by two chapter of the UDC; 4.10 and 9.6. The first section addresses goals and objectives of Planned Developments, and the second is the operational aspect.

In Chapter 4.10, Section 4.10.5 addresses Planned Commercial and Industrial Developments. Under this heading, the paragraph reads as follows: Approval of a planned commercial or industrial development may be issued for those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. This section then continues by listing 4 areas to be considered to make this judgment; Screening, Display of Merchandise, accessibility, and Landscaping. Under Accessibility the Sub-Section reads: The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprise located in the proposed development.

Staff finds this criterion is not met. The streets serving the site are abutted by predominately residential uses.

Section 9.6.9 – This section of the UDC establishes of series of criteria to evaluate a P.D. These deal

with character of neighborhood, traffic conditions, use and enjoyment of adjacent property, essential public facilities, destruction or loss or damage to significant natural features.

The number and types of vehicles accessing roads that serve predominately residential uses, the potential loss of or disturbance to wetlands, lead staff to conclude that this criterion is not met.

Use Standards- The Uses Permitted Chart in Section 2.5.2 permits Demolition/Construction Landfills with an approved Special Use Permit and a specific set of Use Standards to regulate the use. These Use Standards are reflected in the proposed Conditions at Roman Numeral IV.

Of note to staff are those use standards which are not met or not completely met by this application.

UDC 2.6.4D(2)(b) – Landfill excavation and filling shall not be located within 500 feet of any site used for residential purposes as measured from the property line of the landfill excavation or filling to the property line of the site being used for residential purposes.

The concept plan and cross section indicate that some of the existing residential uses are approximately 200 feet from the edges of the landfill.

UDC 2.6.4D(2)(c)- Landfill excavation or filling shall not be located with 50 feet of any school or park, as measured from the property line of the landfill excavation or filing site to the property line of the park or school

There is no existing parking within 500 feet, but the applicant proposes to provide a private park.

UDC 2.6.4D(2)e – The finished grade of slopes of excavation and fills shall not exceed one foot of vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.

The submitted materials indicate that a 4:1 slope is proposed. This slope will greatly diminish the future usage of the property.

Conclusions

In addition to the request of the landfill operation of this site, this P.D. includes additional industrial uses many of which use large trucks or machinery.

This amendment includes a number of edits to the existing conditions that were considered safeguards to the permitted uses.

Staff is on record of recommending in favor of Construction/Demolition landfills when located at significant distances from residential uses; located along streets that accommodate commercial and industrial traffic, and where the impact on floodplains and natural areas are not as significant as in this case.

RECOMMEDATION REJECTION

**JACKSON/1-240 PLANNED DEVELOPMENT
P.D. 05-314 AMENDMENT
OUTLINE PLAN CONDITIONS:**

I. Permitted Uses:

- A. Area A: The following I-L usages:
 - 1. Sand, gravel, clay mining and other related processing
 - 2. Dredging, earth extraction, clearing and grading
 - 3. Off-premise advertising signs (billboards)
 - 4. Crop and soil preparation, agricultural services
 - 5. Wetland mitigation bank (preservation and restoration)
 - 6. Timber tracts, forest nursery, gathering of forest product
 - 7. Greenhouse or nursery, commercial
 - 8. Lawn, tree or garden service
 - 9. Class III Construction/Demolition landfill
 - 10. Recycling and recovery of materials
 - 11. Solar farm, wind farm
 - 12. Mini storage
 - 13. Warehouse
 - 14. Sports/recreational activities
- B. Area B: The following I-L usages:
 - 1. Sand, gravel, clay mining and other related processing
 - 2. Dredging, earth extraction, clearing and grading
 - 3. Off-premise advertising signs (billboards)
 - 4. Crop and soil preparation, agricultural services
 - 5. Wetland mitigation bank (preservation and restoration)
 - 6. Timber tracts, forest nursery, gathering of forest product
 - 7. Greenhouse or nursery, commercial
 - 8. Lawn, tree or garden service
 - 9. Class III Construction/Demolition Landfill
 - 10. Recycling and recovery of materials
 - 11. Solar farm, wind farm
 - 12. Mini storage
 - 13. Warehouse
 - 14. Sports/recreational activities

II. Bulk Regulations:

- A. Area A: The requirements of the Industrial (I-L) District shall apply except as follows:
 - 1. Any mining excavation shall be located at least 100 feet from residential property to west and 100 feet from residential property to the north.
 - 2. Any mining excavations shall be restored to create lakes with a minimum side slope of 2 feet horizontal to 1-foot vertical down to the water level.

- B. Area B: The requirements of the Light Industrial (I-L) District shall apply except as follows:
1. Any mining excavation shall be located at least 100 feet from residential property to the south and west.
 2. Any mining excavation shall be restored to create lakes with a minimum side slope of 2 feet horizontal to 1-foot vertical down to the water level.
 3. Maximum buildings setback from residential zoned or used properties shall be ~~300~~150 feet.
 4. Maximum building height shall be ~~35~~ 50 feet.

III. Access, Circulation and Parking:

~~A. Access to the dead-end stub of Mamie Road via private drive or driveway is prohibited. Convey right of access to the City of Memphis.~~

~~B. Access to the Tant Road via private drive or driveway is prohibited. Convey right of access to the City of Memphis.~~

- C. ~~One~~ Three curb cuts will be permitted for Area A and ~~one~~ three curb cuts will be permitted for Area B.
- D. The design, number and location of curb cuts shall be approved by the City Engineer. Any existing nonconforming curb cuts shall be modified to meet current City/County Standards or closed with curb, gutter and sidewalk.
- E. Area B and all major construction operations of Area A ~~shall~~ may be accessed from Wells Station Road ~~only~~. Or Wales/Davis Circle.
- F. Area A wetland operational access, and access to construct and maintain the off-premise advertising signs (billboards) shall be permitted from Davis Circle.
- G. Internal circulation shall be provided between compatible adjacent phases, lots, and sections.
- H. Parking shall be provided in accordance with the Zoning Ordinance.
- I. All parking areas and driving aisles to be paved with asphalt or concrete.
- J. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right of way line and any proposed gate/guardhouse/card reader.
- K. Adequate maneuvering room shall be provided between the right -of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

~~L. Operational truck traffic for the mining operation and landfill operation is prohibited from using the adjacent neighborhood street and shall follow the below defined route to Jackson Avenue. All operational truck traffic for the mining operation and landfill operation shall enter or exit the site to Wells Station via Chelsea Avenue, Orchi Street, Jackson Avenue.~~

- M. The Developer shall construct and maintain heavy-duty gates at the major entry points of the site to control access, dumping and off-road vehicles. The gates shall be installed prior to the recording of the phase.

IV. Class -III. Landfill Requirements

- A. The hours of operation shall be limited to Monday through Friday 7:00 a.m. to 6 p.m. and 7:00 a.m. to 2:00 p.m. on Saturday.
- B. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells.
- C. The final filled elevation shall be limited to a maximum elevation of ~~276~~ **291** feet as determined from the datum plane used for the site plan elevations as shown on the landfill grading plan, which shall be recorded as part of the outline and final plan.
- D. A layer of clean earth at least two and a half (2.5) feet thick shall be deposited and thoroughly compacted on the sides and a 2.5 foot fill on the top of the final fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application. The final fill and finished grade shall be stabilized, seeded, sodded or appropriately planted after completion.
- E. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method. No fires shall be permitted.
- F. Except for protective fences, no building or structure, other than a scale and entry gatehouse erected in connection with the operation, shall be located in any required front yard/side yard/rear yard or closer than one hundred (100) feet from any property line.
- G. Security gates shall be provided at the vehicular entrance and exit as shown on the Subdivision Plan and which shall remain locked at all times when active operations are closed. Security cameras will also be in place to

monitor the property at all times.

- H. A minimum of 60 feet shall be provided between the public right-of-way and the entrance gate or guardhouse to provide adequate queuing spaces and maneuvering room.**
- I. To minimize the deposit of materials from the site onto the public road, the wheels of vehicles exiting from the site shall be kept free of gravel, dirt and debris.**
- J. No excavation or demolition fill shall be permitted within 100 feet of any adjacent property.**
- K. Equipment used in the landfill operation shall be operated in such a manner that noise and vibration are prevented, to the extent possible, from emanating beyond the boundaries of the site.**
- L. Backup alarms on vehicles and construction equipment shall emit a narrowly directed signal of white noise, as consistent with the latest technology, so as to eliminate the ambient warning noise activity as a significant nuisance for neighbors**
- M. No tires shall be permitted.**
- N. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on site except for the berms and landscaping as depicted on the Outline Plan and as conditioned herein.**
- O. A six (6) foot high chain link fence shall be constructed along the North, South, and West property lines, ~~the convenience center~~, and the entrance.**
- P. The facility shall have clearly visible and legible signs at the point of public access that indicates the hours of operation, the general types of waste materials that either will or will not be accepted, emergency telephone numbers, and any other necessary information.**
- Q. Trained personnel shall always be present during operation hours to operate the facility.**
- R. Security cameras will be present on site and gates can be monitored remotely if needed.**

~~**S. The Office of Planning & Development may require landscaping be**~~

~~replaced or additional landscaping be provided to maintain the integrity of the landscape plan as depicted on the Outline Plan.~~

- T. The entrance drive (s) shall be asphalted for approximately 100 feet from ~~Wells Station~~ point of entrance.**
- U. An all-weather drive shall be provided from any access road to the deposit area.**
- V. A sprinkling system shall be provided on-site and utilized for dust control.**
- W. Water and/or calcium shall be utilized for dust controls**
- X. A truck wheel wash facility shall be provided on-site.**
- Y. Any windblown debris shall be collected daily and deposited in appropriate storage bins.**

V. Landscaping and Screening:

- A. A landscaping easement shall be dedicated on the north property line Area A, the west property line of Area A and B, and the south property line for Area B as shown on the Outline Plan. Existing trees greater than 3" in caliper shall maintained in the above described easements. In places where existing trees are removed, trees shall be planted in accordance with Landscape Plate A1, Tree "B" or "C" or Landscape Plate B-2, Tree "D" or "E" of the Zoning Ordinance.
- B. Landscaping in Area B along Interstate 40 frontage lot shall be determined during site plan review. The I-40 landscaping shall not be required to be constructed with the construction of the off-premise signs, if these are constructed prior to the usages on Areas A and B.
- C. In areas on the northwest side of Area B where no landscaping exists, a landscape screen may be required, based on proposed usage, during site plan review.
- ~~D. Required landscaping shall not be placed on sewer or drainage easements.~~
- E. Two rows of evergreen trees shall be planted on the banks of all lakes created in the mining operation.
- F. If the site is used for mining operation, a ~~200~~ 100-foot-wide natural landscaping easement shall be maintained along the backs of the lots along the west side of

the project where the ~~200~~ 100-foot buffer is noted on the Outline Plan.

VI. Signs

- A. A total of five (5) off-premise, advertising signs, including three (3) existing (Area A) and two new (Area B), along the Interstate 40 right-of-way frontage shall be permitted as generally shown on the Outline Plan, with a maximum of 672 square feet each. The three (3) existing signs shall be considered legal non-conforming and governed by the legal non-conforming section of the off-premise sign Ordinance amendment of the Zoning Ordinance.
- B. On premises signs shall be in accordance with Section 29 of the Memphis and Shelby County Zoning Ordinance.
- C. No temporary or portable signs shall be permitted.
- D. Minimum sign setback from the public right-of-way shall be ten (10) feet.
- E. Any additional signs shall be requested under the provisions of the site plan review by the Land Use Control Board, Condition C. III.

VII. Drainage:

- A. All drainage plans shall be submitted to the City Engineer for review.
- B. Obtain a Surface Mining Permit from the Tennessee Department of Environment and Conservation, Division of Water Pollution control prior to commencing any operations.
- C. All drainage emanating on-site shall be private in nature and no public easements will be accepted.
- D. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of Stormwater associated with the clearing and grading activity on this site.
- E. Part of this site is located within the 100-Year floodplain of the Wolf River according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100-year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.
- F. All lakes shall be privately owned and maintained. No public drainage easement will be accepted on private lakes and/or dams.

- G. Drainage improvements to be provided under contract in accordance with subdivision Regulations and the City of Memphis Drainage Design manual, including possible on-site detention.
- H. The following note shall be placed on all final plats. Common open space is reserved for the purpose of the conveyance of storm water in a natural drainage way. This C.O.S. shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The drainage way systems located in the C.O.S., except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the drainage system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- I. The width of all existing off-street sewer easements shall be widened to meet current City standards.
- J. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- K. All connections to the sewer shall be at manholes only.
- L. The Developer of the property shall work with the City of Memphis to improve drainage across and exiting the site. The Developer shall periodically maintain the drainage ditches by removing obstructions and beaver dams. The Developer shall start improvement to the drainage, particularly for the backs of the houses along Davis Circle after the approval of the project and prior to the recording Phase One.

VIII. Other

The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.

IX. Site Plan Review

- A. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan. The property owners within the notification radius of 500 feet shall be notified 10 days prior to the Land Use Control Board meeting.
- B. The site plan shall be submitted at least twenty days prior to a Land Use Control Board meeting and shall include the following:
 - 1. The location, dimensions, and floor area of all building, structures, and parking areas.
 - 2. An access plan for the site entrance and exit lanes and any proposed traffic signing.
 - 3. Specific plans for internal and perimeter landscaping and screening including the identification by name and location of plant materials.
 - 4. Illustration of the public and private pedestrian systems.
 - 5. A composite plan showing all built and/or approved final plans within a parcel shall be submitted for review with each request for site plan review.
 - 6. Additional submittals for Mining Operations:
 - a. Plan for addressing repair of damage to the public road system along the route to Jackson Avenue.
 - b. Dust control plan.
 - c. Construction schedule that shows that the construction will be completed ~~within 5 years of~~ **without a time limit from** the start of construction.
 - d. Bonds to assure the site restoration at the end of ~~the 5-year period~~ **construction**, with required lakes, and the repair of damage to any public streets.
 - e. Restrictions of hours of operations.
- C. The site plan shall be reviewed based upon the following criteria:
 - 1. Conformance with the Outline Plan Conditions.
 - 2. Conformance to the standards and criteria for residential and commercial planned developments contained in Sections 21 and 23,

- respectively, of the Memphis and Shelby County Zoning Regulations.
3. Compatibility with adjacent land uses.

~~D. The site plan for the off-premise advertising signs located along I-240 I-40 shall only require review by the Office of Planning and Development (OPD). The site plan shall be reviewed based on conformance with the Outline Plan Conditions and the Zoning Ordinance.~~

- X. A final plan shall be filed within five years of approval of the general plan. The Land Use Control Board may grant extensions of the request of the applicant.

- XI. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
- D. The number of parking spaces provided.
- E. The location and ownership, whether public or private of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. All common, open areas, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owners' Association. A statement to this effect shall appear on the final plan.
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County engineer's Office. Such maintenance shall include, but not be limited to: removal of

sedimentation, fallen objects, debris and trash' mowing; outlet cleaning; and repair of drainage

GENERAL INFORMATION

Zoning Atlas Page: 1835

Parcel ID: 088035 00032, 00033, 00043, 00052, and 00053

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

CASE: PD 18-42

NAME: Jackson/I240 PD

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.
3. The developer shall extend sanitary sewers through the site to serve upstream properties.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,
6. This development does not appear to be affected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.

Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

10. City Engineering strongly recommends that the four additional access points requested by the developer be denied.
11. City Engineering strongly recommends that all additional proposed access points be denied. The location of these requested additional points of access will necessitate truck traffic loading onto minor residential streets and is incompatible with the residential quality of the neighborhood. City Engineering considers that the safety of pedestrians and local motorists will be negatively impacted by industrial traffic.
12. The developer shall provide a truck traffic routing plan as part of the application.
13. The City Engineer shall approve the design, number and location of curb cuts.
14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

15. Permits for the filling of any wetlands or streams shall be obtained from USACE and/or TDEC.
16. Any alterations or improvements to property within the flood plain must be coordinated with the City's flood plain coordinator.
17. Per SWMM Vol 1, 5.12 "All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by dredging out at least an equal amount of volume as occupied by fill. All dredged or cut materials shall be removed

from the site before fill materials can be delivered, unless all fill material is generated onsite. Dredging or cut volumes below the elevation of the 2-year storm event shall not be included in the compensating storage capacity calculation. All compensatory cuts must be within the same drainage basin as the fill”, ideally onsite to discourage flooding of the adjacent residential neighborhood.

18. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
19. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
20. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
21. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
22. A pro-rata Fee for major drainage improvements may be required by a phased development.
23. All drainage emanating on-site shall be private in nature and no public easements will be accepted.

Site Plan Notes:

24. TDOT review and approval is required on any new billboards along the interstate right-of-way. TDOT does not recognize a planned development approved by the city council as authoritative for the location of any new billboard.

General Notes:

25. The width of all existing off-street sewer easements shall be widened to meet current city standards.
26. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.

27. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

28. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department:

Water Quality Branch & Septic Tank Program.

OPD Case Number PD 18-42

Jackson & I-40 Planned Development
Interstate 40 and Jackson Avenue

1. All soil borings performed at this site to determine the geologic formation of sand and gravel deposits must be permitted by the Shelby County Health Department.
2. Before the startup of the construction/demolition fill materials operation at this location a series of monitoring wells **could** be installed around the property boundaries and samples collected to be analyzed for priority metals and total petroleum hydrocarbons gasoline range only (TPH/GRO) in order to determine the groundwater quality at the site prior to commencement of the mining operations.
3. The Shelby County Health Department must permit any monitoring wells that are installed at the site.
4. Sample analysis could then be done **annually** from the monitoring wells in order to determine what effect, if any, this operation could have on the groundwater quality at this location in the future.
5. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Shelby County Office of Resilience: See below

Neighborhood Associations: .

APPLICATION

Letter of Intent

Description of Project

E-mails of Opposition are in a separate attachment.



SHELBY COUNTY MAYOR:
LEE HARRIS
OFFICE OF PLANNING AND DEVELOPMENT DIRECTOR:
JOHN ZEANAH
OFFICE OF RESILIENCY ADMINISTRATOR:
JIM VASQUEZ

MEMORANDUM

TO: LAND USE CONTROL BOARD

FROM: SHELBY COUNTY OFFICE OF RESILIENCE

SUBJECT: FILE: PD 05-314, PD 1842

DATE: 3/2/2019

CC: JIM VASQUEZ, DON JONES

Recommendation:

It is our recommendation that the proposed land uses for Case PD 18-42 are inconsistent with resiliency and sustainability goals of the region, and create unacceptable risk for contamination and further degradation of nearby waterways.

We see this land use decision as one that provides opportunity for the region to acknowledge the benefits and ecosystem services present in our natural areas and incorporate that acknowledgement into the decision-making process. The interdependence of human well-being and ecosystems is one that *should* be incorporated into such decision-making¹, and the plans within PD 18-42 along with the proposed land uses compromise the ecological integrity of the area and do not contribute to building a sustainable or resilient region. Appropriate management of sensitive ecological areas allows both the natural and urban ecosystems to be sustainable and continue providing critical ecosystem services in the long term², and without thoughtful attention to the impacts of land use decisions in these areas, we risk losing the value of the land altogether.

Given that areas of wetlands have been identified on the proposed site, as well as a wet weather stream that drains into the Wolf River (Section D.1.j), it is critical to thoroughly analyze the potential impacts of the proposed uses. The benefits of retaining wetlands are vast, and have implications for improved water quality, shoreline stabilization, critical habitat, flood risk mitigation, and improvements to human health, among other benefits³. Title 40 within the Code of Federal Regulations outlines restrictions for landfills including §258.11 Floodplains and §258.12 Wetlands, outlining extensive requirements to ensure washout of waste is controlled and ecological resources are adequately protected. The proposed project compromises the

floodplain and restricts the areas capacity to store water, which is specifically identified in the federal regulations as a requirement. Whether this is a municipal solid waste or construction and demolition landfill, the impacts of filling or developing on this area are consistent – negative implications for the floodplain and its ability to store water, filter runoff, and function as it should. Prioritizing sensitive areas pertaining to surface and groundwater resources as well as protecting and restoring natural wetlands are key components of the Mid-South Regional Greenprint strategic directions⁴. Furthermore, the \$60M investment from the Community Development National Disaster Resilience Competition grant to Shelby County for resiliency work in the region is evidence of the continued commitment to sustainable practices and sound floodplain management⁵. The Resilient Shelby projects and the Resilience Master Plan in progress, along with their management through the Office of Resilience represent a significant component of the Planning & Development's FY 19 budget operations and aims to construct resilient designs in floodplains and waterways to protect Shelby County residents and areas from flood risks⁶. Resilience is a valuable management consideration and helps promote sustainable development while preserving ecosystem services², suggesting that prioritizing resilience is a sound and more valuable approach than permitting short term development or economic gains. The proposed land use of PD 18-42 is contrary to all of these large-scale sustainability initiatives, and this discussion provides opportunity to use the science to inform better policy decisions. Local initiatives and commitments to sustainable practices in the Office of Planning & Development are clearly at odds with the proposed land uses of PD 18-42, and offer evidence that this development is a poor and unwise use of valuable floodplain along the Wolf River. The Office of Resilience supports the recommendation to discourage the approval of such projects within floodplains and near impacted waterways.

Alternative management strategies for proposed landfill sites that pose this type of pollution risk are suggested as a way to mitigate potential harm and runoff ⁷. Given that leachate can contaminate ground and surface waters and is correlated with rainfall amounts ⁸, the potential for the proposed land use to further degrade the Wolf River and its surrounding tributaries is notable. A portion of the planned development is located in the 100 year floodplain, and it is recommended to approach the management of this area with thoughtful consideration of runoff potential and flood risks for surrounding neighborhoods and areas (see Figure 1). Furthermore, the area flooded in 2011 and was subjected to water depths beyond 10 feet in some areas (see Figure 2), impacting nearby homes as well as covering nearly the entirety of the proposed site. The site is currently governed by an approved planned development PD 05-314, which allows activities such as mining, but it should be noted this does not necessarily consider a comprehensive assessment of best or most sustainable uses for this property. The proposed uses suggested in this sensitive floodplain area warrant further analysis of the drainage implications and potential for contamination of the Wolf River.

This development project outlines its proposed drainage from undisturbed areas in section D.1.G to remain flowing along a natural contour into the Wolf River channel east of the interstate. Disturbed area runoff is proposed to remain on site in a retention basin. Given the already compromised water quality of this section of the Wolf River, potential to further degrade the

ecological health of the area is clear. Within the Wolf River Basin, specifically HUC 08010210, contaminants including mercury and chlordane are contributing to 12.8 miles of impaired waterways, sources of which involve discharges from waste sites and contaminated sediments⁹. If we compromise the ability for this riverine ecosystem to function we risk losing access to the ecosystem services (such as clean water or flood protection) that it currently provides². Adding facilities that have the potential to contribute to contaminants is counter-productive to the overall health and resilience of the area.

It is our recommendation that PD 18-42 is not considered an acceptable use of land in this area, as it creates the potential for leachate and washout in ecologically sensitive areas of the Wolf River watershed. The urban watershed is a highly contested region given development pressures of a growing city, and a sustainable future is one that must involve more effective integration of water resource considerations into public policy and land use decisions¹⁰. Furthermore, it is contrary to the commitments to sustainable development and resilience that are currently underway with the Office of Planning & Development initiatives. Given that floodplains offer both great value and exposure to natural hazards, reducing flood risk with floodplain engineering and development regulation is a sound and preferable approach¹¹. This land use decision provides an opportunity for us to utilize the best available science in our management decisions, and value the ecosystem services provided by this sensitive floodplain area.

Figure 1. Subject area hydrography showing extent of wetlands in green hatch and FEMA 100 year floodplain layer in light blue. Parcels outlined in red were impacted by floodwaters during the 2011 floods.

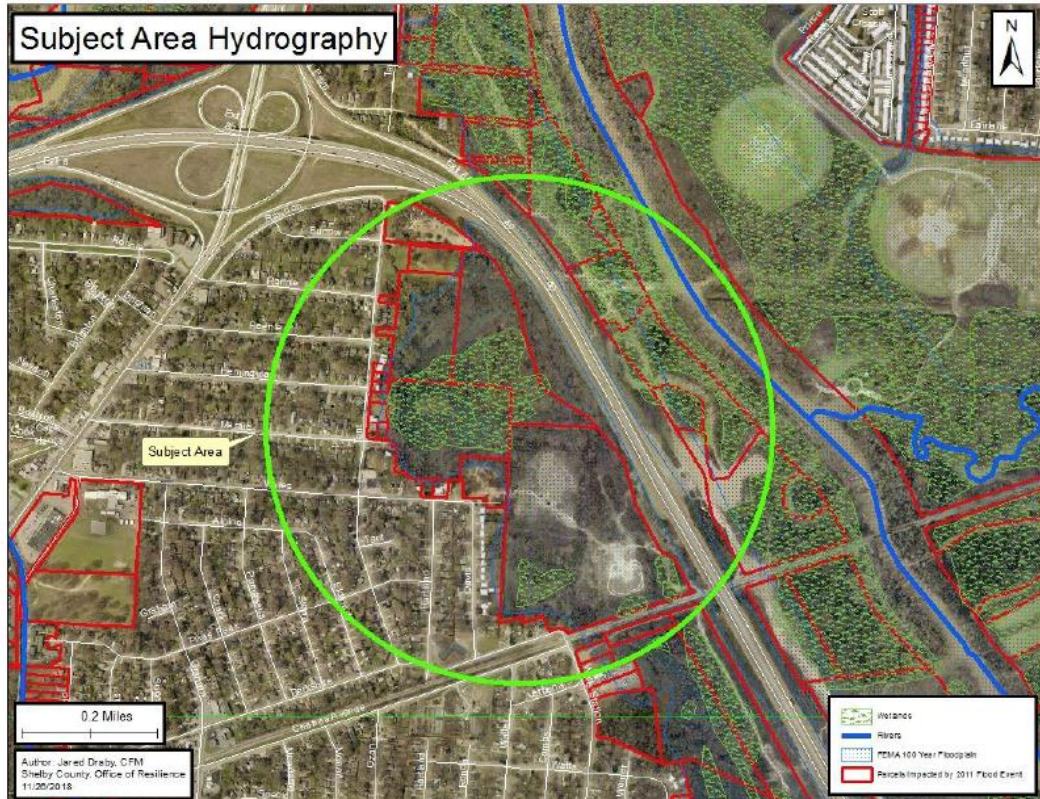
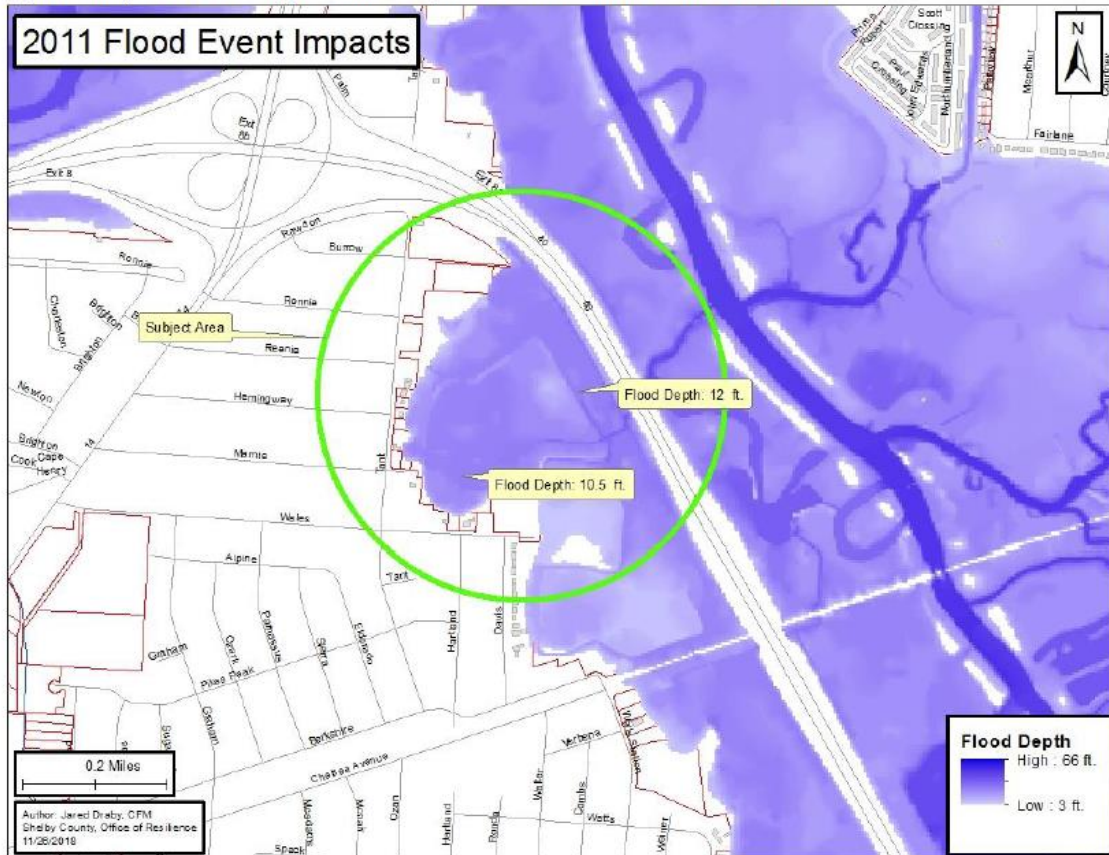


Figure 2. Subject area showing flood water depths and extent from the 2011 flood event.



References

1. Guerry, A. D. *et al.* Natural capital and ecosystem services informing decisions: From promise to practice. *Proc. Natl. Acad. Sci.* **112**, 7348–7355 (2015).
2. Jackson, L. E., Daniel, J., McCorkle, B., Sears, A. & Bush, K. F. Linking ecosystem services and human health: the Eco-Health Relationship Browser. *Int. J. Public Health* **58**, 747–755 (2013).
3. Mid-South Regional Greenprint. (2015). Available at: <http://midsouthgreenprint.org/greenprint-20152040/strategic-directions/strategic-direction-six/>.
4. Resilient Shelby. (2018). Available at: <https://resilientshelby.com/>.
5. Planning and Development FY 2019 Approved Budget. (2018). Available at: <https://www.shelbycountyttn.gov/DocumentCenter/View/33031/Planning-Dev-FY19-Consolidated-numbered-Adopted>. (Accessed: 21st November 2018)
6. Brand, J. H., Spencer, K. L., O'shea, F. T. & Lindsay, J. E. Potential pollution risks of historic landfills on low-lying coasts and estuaries. *WIREs Water* 1–12 (2018). doi:10.1002/wat2.1264
7. Crowley, D. *et al.* *Health and Environmental Effects of Landfilling and Incineration of Waste - A Literature Review*. Health Research Board (2003). doi:10.1080/02723638.2014.934522
8. TDEC. *Year 2016 303 (d) List*. (2017).

Application



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: October 30, 2018

Case #: PD 05-314

PD 18-42

PLEASE TYPE OR PRINT

Name of Development: Jackson/I-240 PD

Property Owner of Record: TI Properties, LLC

Phone #: (901) 766-9075

Mailing Address: 5160 Sanderlin, Suite 1

City/State: Memphis/TN

Zip 38117

Property Owner E-Mail Address: whthomas48@aol.com

Applicant: Blaylock & Brown Construction, Inc

Phone # (901) 581-5977

Mailing Address: 10636 Shelton Road

City/State: Collierville/TN

Zip 38017

Applicant E-Mail Address: normanbbrown@comcast.net

Representative: Norman Brown III

Phone #: (901) 581-5977

Mailing Address: 10636 Shelton Road

City/State: Collierville/TN

Zip 38017

Representative E-Mail Address: normanbbrown@comcast.net

Engineer/Surveyor: A2H

Phone # (901) 372-0404

Mailing Address: 3009 Davies-Plantation Road

City/State: Lakeland/TN

Zip 38002

Engineer/Surveyor E-Mail Address: davids@a2h.com

Street Address Location: Wales and Davis Circle

Distance to nearest intersecting street: 0

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5	Parcel 6
Area in Acres:	0.16	3.44	14.99	27.91	1.64	36.41
Existing Zoning:	PD	PD	PD	PD	PD	PD
Existing Use of Property	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant
Requested Use of Property	PD	PD	PD	PD	PD	PD

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes ☒ No ☐

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

See attached justification for use change

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

See attached justification for use change

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

See attached justification for use change

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

See attached justification for use change

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

See attached justification for use change

- Lots of records are created with the recording of a planned development final plan.

Not applicable

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 9/17/18 with Josh Whitehead via e-mail

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: ☐ Yes or ☒ Not Yet
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

William H. Thomas 11-2-18 [Signature] 11/5/18
Property Owner of Record Date Applicant Date

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

Letter of Intent

BLAYLOCK & BROWN CONSTRUCTION, INC
10636 SHELTON ROAD
COLLIERVILLE, TN 38017

September 21, 2018

Josh Whitehead
Land Use Control
Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, Tn 38103-2084

Mr. Whitehead:

This letter will serve as our letter of intent to modify the conditions of an existing PD (05-314) to enhance the development opportunities of the site. The property may be raised using construction/demolition materials and may be marketed for commercial investment as well as potential open space and passive recreational features.

We have retained the firm of Brophy & Associates to assist in the management of any wetlands which exist on the property and to develop additional wet lands on the site. Planning and engineering, including any flood plain issues will be provided by the firm of A2H, Inc.

Conversion of the property from a vacant condition to a marketable commercial development is consistent with the slated use of the property as indicated in the current Planned Development. The development will secure the appropriate approvals and permits from the U.S. Corps of Engineers, FEMA, and the Tennessee Department of Environment and Conservation (operating permit for a Class III landfill). Design of the access to the site will be presented to the City of Memphis for the appropriate approvals.

The utilization of construction/demolition materials as fill material to level the site and raise the elevation also provides an outlet for governmental entities and citizens to bring acceptable material for recycling and disposal.

The impact of the proposed operation on the neighboring properties will be minimized by tree screening near the adjacent properties on the West. The property East of the site is Interstate 40. Intensive tree screening exists along the utility right-of-way on the North of the site.

We look forward to your review of our application for an amendment to the existing PD to improve the subject property.

Respectfully,



Norman Brown III
Blaylock & Brown Construction, Inc

Project Description

PD 05-314
AMENDMENT

PROJECT DESCRIPTION

The use of approximately 85 acres of vacant property bounded by Interstate 40, Jackson Avenue, the CSX railroad, and a residential development is currently controlled by a planned development approved in 2005. The owner (TI Properties), in conjunction with a developer (Blaylock & Brown Construction, Inc), are proposing to modify the conditions of the PD to enhance the development options for the property.

A unique approach to implementing the PD is being considered by the applicant. Rather than prepare the site for possible future development ("pad ready sites"), the applicant is proposing to open a construction/demolition landfill as the economic engine to begin development of the site and to provide funding for construction of other amenities within the site. The size and location of the landfill will be determined as part of the TDEC permitting process. Within the buffer areas of the landfill, trails and passive recreation amenities will be developed. Spin-off development related to the expanded list of usages are anticipated due to the increased activity and security on the site.

Commercial construction/demolition materials will be delivered to the site primarily by one entity although other commercial users will be allowed to use the site. One of the advantages of a landfill at this location is the potential use of the site by City, County, and private haulers for storm material disposal.

A portion of the 85 acres appears to meet the TDEC solid waste permitting requirements for a construction/demolition materials landfill (above the 100-year flood elevation, no wetland areas, impermeable clay layer) which will allow the TDEC permitting to proceed rapidly. The size and location of any buffer areas will be determined during the solid waste permitting process.

The amended conditions will provide opportunities for economic development and recreational activities in this relatively isolated neighborhood which will improve the quality of life for the residential community to the west of the proposed development. Currently the subject area is vacant and subjected to indiscriminate, illegal dumping. Implementing a regulated landfill operation on even part of the property will create an atmosphere of activity which will discourage the illegal dumping activity and provide a constant, positive presence in this area.

The concept of the landfill as an economic development engine includes not only the opportunity for employment of residents from the neighborhood but also construction of the recreation/open space amenities in the buffer areas and designated wetland areas. In addition, the landfill will include a focus for recycling of select materials from individuals and contractors. The landfill operation will also contribute to a community development fund for the long-term maintenance of the open space and passive recreation areas. Management of the community development fund would be a joint activity of the landfill operator, property owners, and representatives of the community.

